

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS**

RACHELLE RAND, ESPERANZA
GOTTSCHAU, RAMON SOTO,
GEORGIANNA LASH, and AARON MEES
on Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

EYEMART EXPRESS, LLC,

Defendant.

Case No. 3:24-cv-00621-N

**DEFENDANT EYEMART EXPRESS, LLC’S AGREED MOTION
FOR EXTENSION OF TIME TO RESPOND TO AMENDED COMPLAINT**

Defendant Eyemart Express, LLC (“Defendant”), by its undersigned attorneys, pursuant to Fed. R. Civ. P. 6(b)(1), moves for an extension of time in which to answer or otherwise respond to the Amended Complaint. In support of its Motion, Defendant states:

1. The Amended Complaint was filed on October 31, 2024, and automatically electronically served on Defendant via the Court’s CM/ECF system.
2. Defendant’s deadline to answer or otherwise respond to the Amended Complaint is currently November 14, 2024, pursuant to Fed. R. Civ. P. 15(a)(3).
3. On November 6, 2024, counsel for Defendant contacted counsel for Plaintiffs via email and requested that, due to the length of the Amended Complaint (60 pages) and the upcoming holiday season, Defendant have up to and including January 6, 2025, to answer or otherwise respond to Plaintiffs’ Amended Complaint, subject to the Court’s approval. Plaintiffs’ counsel responded and consented to the requested extension via email.

4. Defendant is reviewing the pleaded allegations and applicable law in order to prepare its response. Accordingly, in view of the length of the Amended Complaint (60 pages) and the upcoming holiday season, Defendant respectfully requests an extension through and including January 6, 2025, within which to file its answer or other response to the Amended Complaint.

5. This is Defendant's first request for an extension of time to answer or otherwise respond to the Amended Complaint.

6. This request is not made for the purpose of delay or harassment, and no party will be prejudiced by the additional time for Defendant to answer or otherwise respond.

WHEREFORE, Defendant Eyemart Express, LLC respectfully requests that this Court grant this Agreed Motion for an Extension of Time to Respond to Amended Complaint and enter an Order allowing it until January 6, 2025, to answer or otherwise respond.

Dated: November 11, 2024

By: /s/ Andrew F. Newman

Andrew F. Newman
Texas State Bar No. 24060331
POLSINELLI PC
2950 N. Harwood Street, Suite 2100
Dallas, Texas 76005
Tel: (214) 661-5506
Fax: (214) 397-0033
Email: afnewman@polsinelli.com

John C. Cleary (*admitted pro hac vice*)
New York Bar No. 1969146
POLSINELLI PC
600 Third Avenue, 42nd Floor
New York, NY 10016
Tel: (212) 413-2837
Fax: (212) 684-0197
Email: john.cleary@polsinelli.com

Jonathan E. Schmalfeld (*admitted pro hac vice*)
Missouri Bar No. 68374
POLSINELLI PC
7676 Forsyth Boulevard, Suite 800
St. Louis, MO 63105
Tel: (314) 622-6621
Fax: (314) 231-1776
Email: jschmalfeld@polsinelli.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

Pursuant to LR 7.1(h) counsel for Defendant conferred with counsel for Plaintiffs via emails from November 6 to 11, 2024. Counsel for Plaintiffs indicated that they do not oppose the relief sought herein.

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2024, I electronically filed the above and foregoing motion with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Patrick Yarborough
patrick@fosteryarborough.com
Jeffrey Lucas Ott
luke@fosteryarborough.com
FOSTER YARBOROUGH PLLC
917 Franklin Street, Suite 220
Houston, Texas 77002

AND

Mark S. Reich
mreich@zlk.com
Courtney Maccarone
cmaccarone@zlk.com
Gary I. Ishimoto
gishimoto@zlk.com
LEVI & KORSINSKY, LLP
33 Whitehall Street, 17 Floor
New York, New York 10004

Attorneys for Plaintiffs

/s/Andrew F. Newman
Andrew F. Newman